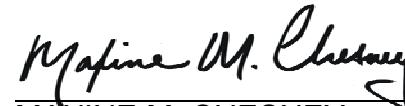


1 contends that damage awards and attorneys' fees in similar actions routinely exceed the
2 \$75,000 jurisdictional threshold, it fails to compare the facts alleged in the instant action to
3 any case in which such damages or fees were awarded, and fails to submit any evidence
4 suggesting that such awards are routine. As a consequence, defendant has failed to
5 establish diversity jurisdiction. See Gaus v. Miles, 980 F.2d 564, 567 (9th Cir. 1992)
6 (holding defendant in removed action "bears the burden of actually proving the facts to
7 support jurisdiction, including the jurisdictional amount.")

8 Accordingly, defendant is hereby ORDERED TO SHOW CAUSE in writing, filed and
9 served no later than February 9, 2007, why the instant action should not be remanded for
10 lack of subject matter jurisdiction. Plaintiff may file a reply to defendant's response to the
11 order to show cause no later than February 23, 2007. The matter will stand submitted on
12 that date, and will be decided without a hearing, unless the Court determines, after
13 reviewing the parties' submissions, that a hearing is necessary. See Civ. L.R. 7-1(b).

14 **IT IS SO ORDERED.**

15 Dated: January 22, 2007



MAXINE M. CHESNEY
United States District Judge

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